

# **1. Abstract**

This thesis deals with specific means of participation of experts and specialists in investigation, that is it discusses expert opinion, authorized expert's report and participation of consultant in investigation.

The topic is interesting because it offers an analysis of very important evidence used by the police, courts or prosecutors to learn about all the facts related to the criminal proceedings objectively. Lately especially expert opinions and expert's reports are increasingly needed to clarify the most serious crimes committed by means of technology and finance. In order to solve these crimes, the expert knowledge is necessary. It is that kind of knowledge that police, judges and prosecutors do not and quite fairly cannot have.

This paper in its particular parts talks about expert opinion, authorized expert's report and participation of consultant in investigation as written above and also about their mutual relations.

What can be said about the expert opinion is that it contributes to clarification of questions which require expert knowledge but at the same time the complexity of these questions does not ask for authorized expert's report. The expert opinion can serve as the primary evidence. Nevertheless there are no formal requirements regarding expert opinion in contrast to the authorized expert and his report. In detail the law does not require the expert to have any special authorization to offer his expert opinion. The expert only has to have desirable expert knowledge. Since there are no legal requirements as explained above, producing an expert opinion is much cheaper and faster and thus it fulfills the principle of speed and economy of the criminal procedure.

In comparison the authorized expert's report is a more sophisticated instrument and the law lays out certain rules for the report and the expert himself. At the beginning of writing this thesis, there was old and insufficient law regulating authorized experts and their reports. But in the process the Parliament passed a bill which brought up legislation introducing new rules applying to experts or expert institutes, and provisions on expert's responsibility for erroneous or late reports. In the part dedicated to expert's report, the thesis handles the experts ad hoc, i.e. the experts who are not listed in the official register.

The substantial part of this paper explains the process of the expert report's creation covering the phase of securing the object of expertise through to individual stages of writing the report.

The last part of the thesis focuses on the consultant. The basis for writing this part was a practical experience of the police and prosecutors in the sense that according to their observations, consultants are not used frequently in investigation and criminal proceedings in general. The police and prosecutors rather choose an informal way to obtain needed expert information.